

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA OF  
NORTHERN DIVISION

JOE CLEMENTS,	)	
	)	
Plaintiff,	)	
v.	)	CASE NO. 2:05-cv-140-F
	)	(WO)
ANTHONY CLARK,	)	
	)	
Defendant.	)	

**ORDER**

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

(1) The plaintiff's Objection to the Magistrate Judge Recommendation (Doc. # 21) filed on July 6, 2005 is overruled;

(2) The Recommendation of the United States Magistrate Judge entered on June 21, 2005 (Doc. #20) is adopted;

(3) This case is DISMISSED without prejudice in accordance with the provisions of 42 U.S.C. § 1997e(a) for the plaintiff's failure to exhaust an available administrative remedy.

DONE this 20<sup>th</sup> day of July, 2005.

/s/ Mark E. Fuller  
CHIEF UNITED STATES DISTRICT JUDGE